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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,562	06/07/2001	Fabio Longoni	975.347USW1	7811

32294 7590 11/19/2003

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EXAMINER

TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,562

Applicant(s)

LONGONI, FABIO

Examiner

CongVan Tran

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14-23, 25-28 is rejected under 35 U.S.C. 102(e) as being anticipated by Eriksson et al. (6,385,449).

Regarding claim 1, Eriksson et al. disclose a system and method used in a mobile telecommunications network for load balancing ongoing calls between different base station controller comprising the steps of: a) transmitting a load information of a radio cell from a first radio network controller serving said radio cell to a second radio network controller not serving said radio cell (see fig.2, elements 150, 245, 155, col.3, lines 17-28, fig.3, step 306 and its description); and b) using said load information in said second radio network controller for deciding on a load status of said radio cell (see fig.2, col.3, lines 29-38, fig.3, step 310 and its description).

Regarding claim 2, 9, 18, 25-27, Eriksson et al. further disclose, wherein said load status is used for deciding on an admission of said radio cell for handover of a mobile terminal controlled by the second radio network controller (see fig.2, col.3, lines 29-38, fig.3, step 310 and its description).

Regarding claims 3-8, 10-12, 14-16, 19-23, 28, Eriksson et al. further disclose, wherein said load information is transmitted, when a load level of said radio cell has reached a predetermined load threshold (see fig.2, col.3, line 51-col.4, line 5 and its description).

Regarding claim 17, Eriksson et al. disclose a system and method used in a mobile telecommunications network for load balancing ongoing calls between different base station controller comprising a) a first radio network controller comprising transmitting means arranged for transmitting a load information of a radio cell served by said first radio network controller to a second radio network controller not serving said radio cell (see abstract, fig.2, element 150, 238, 155 and its description); and b) said second radio network controller comprising a receiving means arranged for receiving said load information, and a decision means arranged for deciding on a load status of said radio cell (see abstract, fig.2, element 230, col.3, lines 29-38, fig.3, step 310 and its description).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson et al. (6,385,449) in view of Pehrson (6,339,705).

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Regarding claims 13 and 24, Eriksson et al. disclose all the subject matters as described in rejected claims 1 and 17, except for mobile radio network is a radio access network of the UMTS. However, Pehrson discloses a management of multiple types of radio base stations in a telecommunication system comprising mobile radio network is a radio access network of the UMTS. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Pehrson's the radio access network of the UMTS in Eriksson's invention in order to improve quality of service in the third-generation digital cellular radio systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


CONGVAN TRAN
PATENT EXAMINER

CongVan Tran
Examiner
Art Unit 2683

CT